

- D2*
- B) a liquid pervious, hydrophilic topsheet joined to said backsheet, said topsheet having an inner surface oriented toward the interior of said article and an outer surface oriented toward the skin of the wearer when said article is being worn, wherein at least a portion of said topsheet outer surface comprises an effective amount of a lotion coating which is semi-solid or solid at 20°C and which is partially transferable to the wearer's skin, said lotion coating comprising:
- (i) from about 10 to about 95% of a substantially water free emollient having a plastic or fluid consistency at 20°C and comprising a member selected from the group consisting of petroleum-based emollients, fatty acid ester emollients, alkyl ethoxylate emollients, and mixtures thereof;
 - (ii) from about 5 to about 90% of one or more agents capable of immobilizing said emollient on said outer surface of the topsheet, said one or more immobilizing agents having a melting point of at least about 35°C; and
- C) an absorbent core positioned between said topsheet and said backsheet; wherein the lotion is applied to the liquid pervious topsheet in a predetermined pattern varying an element selected from the group consisting of amount, location, distribution, and combinations thereof.

REMARKS

Claims 1 and 13 have been amended to more clearly point out and distinctly claim the present invention, which is directed to an article having a topsheet, a backsheet, an absorbent core disposed between the topsheet and the backsheet, and a lotion composition disposed on a portion of the topsheet in a predetermined pattern of varying amount, location, distribution or combinations thereof. Applicants believe the new language adequately describes the invention. Support for the amendments can be found on Page 26, Lines 22 to Page 27, Line 27. No New matter is introduced. Entry is believed to be proper and respectfully requested.

Rejection under 35 U.S.C. §112, Second Paragraph

The Office Action rejected Claim 27 under 35 U.S.C. §112, Second Paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. This rejection has been obviated by the deletion of Claim 27 herewith. Withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §103(a) over Dreier et al. in view of Buchalter

The Examiner rejected Claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over Dreier et al. (U.S. Patent No. 5,171,236) in view of Buchalter (U.S. Patent No. 3,896,807). The Examiner suggested that “[i]t would have been obvious . . . to apply a lotion as taught by Buchalter, to a diaper as taught by Dreier to prevent chafing or chapping . . . The lotion is inherently applied in a

predetermined pattern, since it is applied." The Examiner also suggested that it is a matter of design choice to apply the lotion to some portions of the topsheet's outer surface in stripes and the immobilizing agent comprises a polyhydroxy fatty acid ester or polyhydroxy fatty acid amide having the specific formulas as in claim 24 or 25 and an immobilizing agent such as paraffin wax.

Applicants submit that Dreier teaches a diaper and Buchalter teaches an article impregnated with the dried oil phase of a cream formulation. Without the teaching by the Applicants, one of ordinary skill in the art at the time of the invention would not have been motivated by the references to deliberately apply the lotion on a topsheet surface in a predetermined pattern of varying amount, location, distribution, and combinations thereof.

Applicants also submit that applying the lotion composition on a topsheet surface in a predetermined pattern is not described, either expressly or inherently, in the references. And the Examiner's conclusion that "[l]otion is inherently applied in a predetermined pattern, since it is applied" is not a substitute for some teaching or suggestion in the references to support an obviousness rejection.

Based on the reasons discussed above, this rejection has been overcome. Reconsideration and withdrawal are respectfully requested.

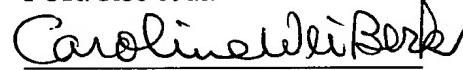
Applicants further submit that applying the lotion to portions of the topsheet in stripes is one of the embodiments that provide specific benefits as detailed in the specification (Page 26, Lines 22-31), hence are not merely an engineering design choice. Applicants also submit that specific requirements for the immobilizing agents, including polyhydroxy fatty acid esters, polyhydroxy fatty acid amide and paraffin wax, are clearly defined in the specification (Page 17, Line 18 to Page 18, Line 14), hence these immobilizing agents are not merely engineering design choices.

Applicants also point out that the claimed invention must be viewed as a whole. Since these dependent claims include all the limitations of the independent claims they depend from, and the presently amended independent claims are patentable for the reasons discussed above, the rejections have been overcome. Reconsideration and withdrawal are respectfully requested.

CONCLUSION

The above represents a complete response to the rejections under 35 U.S.C. §103(a) and §112, second paragraph. Applicants believe that this response places Claims 1-26 in condition for allowance. Reconsideration, withdrawal of rejections and allowance are respectfully requested.

Respectfully submitted,
FOR: Roe et al.


Caroline Wei-Berk
Attorney for Applicants
Reg. No. 45,203
(513) 634-4817

April 3, 2000
Cincinnati, Ohio 45224